

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND AMENDMENT FOUNDATION, INC.,	§	Case No. 1:18-CV-637-RP
	§	
Plaintiffs,	§	
	§	
v.	§	Plaintiffs' Notice of Supplemental Authority
	§	
GURBIR GREWAL, in his official capacity as New Jersey Attorney General; MICHAEL FEUER, in his official capacity as Los Angeles City Attorney; ANDREW CUOMO, in his official capacity as New York Governor; MATTHEW DENN, in his official capacity as Attorney General of the State of Delaware; JOSH SHAPIRO, in his official capacity as Attorney General of Pennsylvania; and THOMAS WOLF, in his official capacity as Pennsylvania Governor,	§	
	§	
Defendants.	§	

Plaintiffs Defense Distributed and Second Amendment Foundation, Inc. file this notice of supplemental authority regarding their motion for a preliminary injunction, Dkt. 67.

The judicial estoppel doctrine applies to both “factual” and “legal” positions, *Rep. of Ecuador v. Connor*, 708 F.3d 651, 656 (5th Cir. 2013), and positions taken “necessarily, although implicitly.” *Bruce Lee Enters., LLC v. A.V.E.L.A., Inc.*, No. 10 CIV. 2333 LTS, 2011 WL 1327137, at *3 (S.D.N.Y. Mar. 31, 2011). The judicial estoppel doctrine applies to positions about personal jurisdiction. *E.g., Henry Law Firm v. Cuker Interactive, LLC*, No. 5:18-CV-5066, 2018 WL 3025959, at *6 (W.D. Ark. June 18, 2018).

Date: January 15, 2019

Respectfully submitted,

BECK REDDEN LLP
By /s/ Chad Flores
Chad Flores*
cflores@beckredden.com
State Bar No. 24059759
Daniel N. Hammond*
Texas State Bar No. 24098886
dhammond@beckredden.com
1221 McKinney St., Suite 4500
Houston, TX 77010
(713) 951-3700 | (713) 952-3720 (fax)

FARHANG & MEDCOFF
Matthew Goldstein*
mgoldstein@fmlaw.law
D.C. Bar No. 975000
4801 E. Broadway Blvd., Suite 311
Tucson, AZ 85711
(202) 550-0040 | (520) 790-5433 (fax)

Josh Blackman
joshblackman@gmail.com
Virginia Bar No. 78292
1303 San Jacinto Street
Houston, TX 77002
(202) 294-9003 | (713) 646-1766 (fax)

*Admitted *pro hac vice*

Attorneys for Plaintiffs Defense Distributed
and Second Amendment Foundation, Inc.

CERTIFICATE OF SERVICE

On January 15, 2019, I served this filing on the following persons via CM/ECF:

Counsel for Defendants Gurbir S. Grewal and Matthew Denn
Ronald Casey Low
Kenneth W. Taber
Benjamin D. Tievsky

Counsel for Defendant Michael Feuer
Connie K. Chan
James P. Clark
Michael M. Walsh
Jason P. Steed

Counsel for Defendants Josh Shapiro and Thomas Wolf
J. David Cabello
John D. Kimball

Counsel for Defendant Andrew Cuomo
Pete Marketos
Tyler Bexley

Counsel for Plaintiffs
Chad Flores
Daniel N. Hammond
Matthew A. Goldstein
Joshua Michael Blackman

/s/ Chad Flores

Chad Flores